Filed 6/5/19 In re J.C. CA1/2

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION TWO

In re J.C. et al., Persons Coming Under the Juvenile Court Law.	
HUMBOLDT COUNTY DEPARTMENT OF SOCIAL SERVICES, Plaintiff and Respondent, v. T.R., Defendant and Appellant.	A155944 (Humboldt County Super. Ct. No. JV170018-1 & JV170018-2)

Appellant T.R. appeals from orders terminating her parental rights to her two sons. She contends the juvenile court abused its discretion in denying her request to apply the beneficial relationship exception to the statutory preference for adoption. We find no abuse of discretion and affirm.

BACKGROUND

Appellant has a long history of mental health issues (including bipolar disorder and anxiety), substance abuse, housing instability, and homelessness. Her oldest child, K., was born in 2001, and removed from appellant's custody in 2002, after neighbors heard the baby screaming all night and appellant was found unconscious, having used methamphetamine the day before. Appellant was convicted of willful child endangerment (Pen. Code, § 273a, subd. (a)) and sentenced to four years' probation and

one year in jail.[1] She entered treatment and regained custody of K., but returned to substance use around 2005.

J.C and Joshua, half siblings to K., were born in 2010 and 2012 respectively.[2] In August 2016, appellant began a voluntary family maintenance plan following a referral alleging physical abuse of K. which was investigated and deemed unfounded.[3] There were concerns about substance abuse by appellant and by K.

On January 27, 2017, after an argument, appellant left then 16-year-old K. on the side of a road at night and drove away with Joshua and J.C., then four and six years old. K. was placed in protective custody. The next evening, on the way to pick her up with the boys and two of K.'s friends in the car, and admittedly driving too fast, appellant lost control of the car and was involved in a roll-over accident. Appellant was driving with a suspended license, and Joshua was not in a booster seat.

The boys were taken into protective care and a Welfare and Institutions Code[4] section 300 petition alleging failure to protect (§ 300, subd. (b)) and sibling abuse (§ 300, subd. (j)) was filed and sustained.[5]

Appellant spent 60 days in an inpatient substance abuse treatment program and did well. After completing the program, however, she left without an after care plan in place,

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[1] She was subsequently arrested in 2009 for burglary and forgery (Pen. Code, § 476), in 2010, for hit and run and driving at an unsafe speed (Veh. Code, §§ 20002, subd. (a), 22350), and in April 2014, for battery on a spouse/ex-spouse (Pen. Code, § 243, subd. (e)(1)), and convicted of the battery in May 2014.

[2] The father is not involved in this appeal.

[3] Between February 2012, and January 2017, the Department investigated 9 referrals involving appellant and K. that were ultimately considered unfounded or inconclusive. Many other referrals were not assigned for investigation.

[4] Further statutory references will be to the Welfare and Institutions Code except as otherwise specified.

[5] An additional allegation based on appellant's methamphetamine use, intimate partner violence, and other violent interactions in the home was stricken at the jurisdictional hearing pursuant to an agreement between appellant and the Department.

relapsed using marijuana and alcohol, and entered another residential treatment program in June where she struggled at first, then made significant progress. Meanwhile, the boys were moved to a new foster home due to a change in circumstances for the prior placement. Appellant's visits with the boys were described as overall very positive, although appellant fell asleep while watching a movie with the children at two visits in April, and missed one visit in May due to "having 'an emotional weekend.' " Appellant began overnight visitation, supervised by the staff at her program, and no problems were reported.

In September 2017, appellant left the residential program and moved in with her mother. The Department did not consider this home safe for the boys due to the presence of drug users and other individuals who posed a risk, and stated that appellant and her mother had "not demonstrated honesty as to who visits and stays in the house."[6] Appellant agreed that visits would take place in the community. The visits mostly went well,[7] and the Department reported that appellant was "beginning to demonstrate skills necessary to be a protective parent" but still needed to "identify a safe and stable home for her family," "demonstrate the ability to set boundaries with her daughter to prevent her relapse, build a supportive network, attend aftercare and provide safety for her boys."

[6] Until August, the boys had spent Friday nights with the maternal grandmother, where they also saw K., but the visits were stopped after the grandmother found hypodermic needles in K.'s bedroom. The Department had concerns about "the physical state of the household" and presence of "drug users and a minor who, as of May 2016, had orders from Juvenile Probation not to associate with minors under the age of 14 due to sexual misconduct."

[7] Just after leaving the residential treatment program in September, appellant had a visit with the children that did not go well: She was able to visit for only two and a half of the four hours offered, and during the visit she struggled to get the children to listen to her, talked on the phone with her boyfriend, and disregarded the supervisor's direction not to call the social worker. After a discussion with the social worker, appellant was observed to demonstrate "consistency in disciplining her children and utiliz[ing] time-outs or redirection" at visits.

By January 2018, appellant had moved into a motel room and had unsupervised visitation. On an unannounced visit in January, the social worker found the room in "disarray," tobacco on the bed where the children were sitting, and a large butcher knife within the children's reach. Appellant said she had been sick and had not had a chance to tidy. On a subsequent unannounced visit, the motel room was tidy and free of the previously observed issues. Appellant had begun weekly therapy sessions in January and was testing negative for substances, but had not been regularly attending substance abuse services. Visiting regularly with the boys, appellant had demonstrated ability to consistently pick them up from the school bus, take them to medical appointments, attend school conferences and meet their food and clothing needs, and the boys' caretakers reported that they returned from visits clean, fed, and without behavioral issues. The children had moved into a third placement because the second foster parents moved out of state. J.C. had begun exhibiting some negative behaviors and expressed being angry at his parent "for his being in this situation." There were no behavioral concerns about Joshua, although he had some medical issues.

Despite some remaining concerns,[8] on the Department's recommendation, J.C. and Joshua were returned to appellant's care on February 20, 2018, and family maintenance services were ordered.

By March 26, 2018, however, appellant had relapsed; she later admitted to the social worker having used an unprescribed benzodiazepine and methamphetamine.[9] On

[8] Visitation was briefly suspended after a visit at which K. was present: Not only was appellant's visitation with K. still subject to supervision, but there was an outstanding runaway warrant for K. and appellant did not adhere to an agreement to inform the Department of K.'s whereabouts. Also, appellant had been arrested on an outstanding warrant related to her past charges of domestic violence against the boys' father and still had not completed the required domestic violence program; the social worker expressed concern that if she did not do so she could be arrested again, impacting her ability to care for the children.

April 3, appellant was not at the bus stop to pick the boys up after school, and when staff eventually reached her, she sounded "groggy and confused." On April 4, 2018, staff at the boys' school reported having noticed "a dramatic negative change in both boys' behavior over the past several weeks," including physical fighting and struggling academically, Joshua being very emotional at school and J.C. stealing, hitting, kicking, being unresponsive to adults, and "eloping from class." A referral to the Department related that J.C. had been asked how things were going at home and replied, " 'Mom told me I'm not allowed to talk about what happens at home because I don't want to go back"; asked " 'back where,' " he said " 'Foster care.' " When his court appointed special advocate (CASA) came to pick the boys up from school, J.C. thought he was going to be taken to foster care and tried to run away.

On April 5, J.C. said he was worried because appellant fights on the phone with her boyfriend, which scared him. He said appellant would leave to go to another motel room, had left him for at least an hour (measured by his watching two episodes of cartoon shows while she was gone), and he was scared when she left him alone, but less so when Joshua is also there. He was also worried about food, and said they had things like cookies but not real food. Appellant had told him he had to make his own dinner, and he made scrambled eggs on a burner.

On April 6, appellant reported that she felt overwhelmed and worried about the boys' behavior; had not attended Narcotics Anonymous (NA) meetings since the boys were returned to her; had been smoking methamphetamine in the bathroom of the motel room; was depressed because she was unable to regain custody of K.; struggled to ask for help; and needed structure and something to do during the day. When told the boys were going to be taken into protective custody because of her relapses and failure to participate in case plan services, appellant became very upset, throwing things, yelling and cursing,

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[9] Apparently appellant had told the social worker she had a positive alcohol test on February 5, 2018, and the social worker learned in April that there was also a positive test on January 25.

then calmed down and expressed frustration that she had been honest and it was being used against her. The boys were picked up from school and taken to a new foster home, where they "excitedly began setting up their room" while the social worker completed paperwork with the foster parents. The foster mother later reported that she tried to call appellant so the boys could talk to her but got no response, then tried about 10 times the next day and again got no response.

The Department filed a supplemental petition (§ 387) on April 10, 2018, and the next day the court ordered the boys detained. The social worker encouraged appellant to consider an inpatient treatment program and appellant declined, saying her relapse was " 'not so bad' " and she would go to outpatient treatment if necessary. The court sustained the supplemental petition at a jurisdiction hearing on May 9, 2018.

The Department's May 22 disposition report related that J.C. was in weekly therapy and his violent behavior at school had decreased but other behavior had escalated, including leaving class, defiance and cursing at staff. He had expressed to his foster parent and school staff that he believed it was his fault he was in foster care, and told his foster parent he did not feel safe at home with his mother. The foster parents had expressed willingness to adopt if the boys could not be returned to appellant.

Appellant had not made any significant progress in addressing the issues that led to the boys' removal. A counselor at the "Healthy Moms" program observed that appellant was minimizing her substance abuse. She was attending 12-step meetings but all her drug tests in April and May were positive for marijuana, and a hair follicle test on May 11 was positive for methamphetamine and THC. In June, she was arrested for driving under the influence. Appellant continued to refuse inpatient treatment and her psychiatrist had dropped her for poor attendance. She had reenrolled in the court-ordered domestic violence program, attended three sessions and missed one. Appellant had assisted in getting K. back to a treatment center from which she had run away in May, but when K. ran away again appellant refused to give the Department any information despite being in daily contact with her. The Department continued to be concerned that appellant's "lack of healthy boundaries" with K. put the boys at risk. In April and May

she ended a number of her twice-weekly visits early because she was very emotional. In June, the Department reported that appellant had attended five of nine offered supervised visits with the boys, and ended two early because of other appointments. She was observed to be affectionate with the boys and watched out for their safety but struggled with discipline.

Noting the court's authority to decline reunification services for a parent with a history of extensive, abusive, chronic substance abuse who has resisted prior court-ordered treatment (§ 361.5, subd. (b)(13)),[10] the Department recommended that no further reunification services be provided because insufficient time remained in the reunification period for appellant to re-enter treatment and demonstrate the change necessary for the boys to be returned to her care.

The court adopted the recommended findings and orders and set a section 366.26 hearing.

The Department's October 2018 report for the section 366.26 hearing related that appellant had not been participating consistently in the Healthy Moms program. She had attended two counseling sessions but the therapist terminated her treatment after appellant cancelled her third appointment without the required notice after having been warned about this consequence. In July, upset when she was told the Department would be recommending termination of parental rights, appellant said she did not do anything that warranted having her children taken away and accused the social worker of twisting her words in court and lying in the reports. In August, K.'s baby was detained and

[10] Section 361.5, subdivision (b)(13), provides that "[r]eunification services need not be provided to a parent or guardian described in this subdivision when the court finds, by clear and convincing evidence, any of the following: [¶] . . . [¶] That the parent or guardian of the child has a history of extensive, abusive, and chronic use of drugs or alcohol and has resisted prior court-ordered treatment for this problem during a three-year period immediately prior to the filing of the petition that brought that child to the court's attention, or has failed or refused to comply with a program of drug or alcohol treatment described in the case plan required by Section 358.1 on at least two prior occasions, even though the programs identified were available and accessible."

appellant called the Department, angry that it " 'just steals kids' " and threatening to " 'blow up the building' as the Department 'could not take any children if the social workers were dead.' " She later apologized and acknowledged she was "struggling with this process." She told the social worker, " 'I am a very good mom and I love my children.' " She said she had enrolled in the county mental health "Dual Recovery Program" but had not been attending regularly due to her work schedule. She was attending the domestic violence program and reportedly doing well in it.

Appellant had been offered 30 visits and attended 20, at which she was playful, interactive and affectionate with the children. Appellant had cancelled a July 27 visit, saying she had had an emotional conversation with the social worker and did not feel she could attend the visit successfully. During an August 1 visit, she asked the children who they wanted to live with and was warned the visit would be terminated if she continued to discuss the case. She cancelled another visit the next week. After her threats to the social workers, her visits were moved back into a "controlled setting," and appellant cancelled two more visits, one due to illness and the other due to lack of transportation. According to the social worker, it was obvious during visits that the boys enjoyed time with appellant, but they did not ask to see or call her and the care provider reported that they did not appear negatively impacted if she missed a visit.

J.C.'s mental health counselor reported that he suffered from anxiety and appeared to get easily over stimulated. He felt responsible for being placed in foster care and "displayed a struggle with relationships and attachment." The current foster parents appeared to be open and willing to work with him. J.C. said he wanted to see appellant but he "also thrives on a stable, routine, and supportive home." There were no overall concerns with Joshua's behavior.

The Department reported that the foster parents had asked to adopt the boys and had shown ability to parent them with "patience, understanding, and routine," commitment to improving the boys' emotional health through open communication with them and work with service providers, understanding of the importance of education, and willingness to foster the boys' relationship with appellant as long as she demonstrated

healthy behavior. The boys had been visiting weekly with K. since she entered foster care in June, and the foster parents were willing to maintain this relationship. They also facilitated phone calls, video chats and visits for the boys with their prior foster parents.

The Department's report stated that "[d]espite the mother's deep love for her children, she continue[d] to struggle with the issues that initially caused the children to become dependents of the court and she lacks insight and accountability regarding her choices and how they affect the safety of her children," and her "lack of personal accountability" had caused J.C. and K. to feel responsible for their removal from her care. The boys had developed a "strong connection" to the current care providers and the Department believed they had benefitted from the foster placement and needed the stability adoption could provide. The Department concluded the boys were adoptable and recommended that parental rights be terminated and adoption ordered as the permanent plan.

CASA agreed with the Department's recommendation for termination of parental rights and identification of adoption as the permanent plan, with a goal of adoption by the foster parents. Like the Department, the boys' CASA advocate recognized appellant's love for the boys but believed she had "failed to recognize and demonstrate an ability to provide a safe and stable home life" for them. The advocate had observed a "gradual but noticeable improvement" in J.C.'s disposition and emotional stability since the children were removed from appellant's care in April 2018, and described the foster home as "safe, loving, and stable" and a "positive influence" on the boys' lives. After a hiatus in visitation in September due to appellant's cancellations, the foster mother reported having noticed an "uptick in J.C.'s emotional fragility" that she attributed to the increasing lack of contact with appellant; when visits resumed in October, the foster mother reported that the boys did not seem "overly affected one way or another" after visits and since early October had not been mentioning appellant as much between visits.

At the time of the section 366.26 hearing, Joshua was six years old and J.C. almost nine Appellant asked the court to order guardianship based on the beneficial relationship exception. She testified that she was the children's primary caretaker until the first time

they were removed from her custody, doing everything with them, including multiple medical appointments due to a heart condition for which J.C. had had surgeries and saw specialists, and with which Joshua had been diagnosed. She testified that since the boys were removed from her custody in March 2018, she had been visiting with them regularly, two two-hour visits each week; she acknowledged that she missed "a few" visits after her grandchild was "taken into custody" but did not believe the report was correct in stating that she missed 10 out of 30 visits. She described mutually loving visits, with the boys excited to see her and Joshua not wanting to let her go at the end. She acknowledged that the last visit before the hearing was problematic, explaining that she was anxious about the impending court date and felt she needed to talk to the boys about what was going to happen, and told them she was working hard to get them back but did not know "when they were going to be back with" her, that "they would be with the foster parents a little while longer," and that their father "gave up" but she did not. Appellant knew she "broke the rules" of visitation by talking about the case, but did so because she could feel the children were confused. Asked about ending visits early, she said this happened sometimes after the birth of her grandchild, as she would get emotional and be unable to answer when the boys asked why for fear of breaking the rules of visitation.

The Department argued appellant had not established that her parental bond outweighed the benefit of permanency through adoption, that she missed a considerable number of visits and often cut short the ones she attended, and that she was unable to "stay on track and not talk about things that would be upsetting." Counsel for the minors supported adoption as the permanent plan, and felt appellant's conduct at the last visit made matters worse for the children rather than better.[11]

[11] Counsel was "extremely bothered" by the conversation at the last visit, which she viewed as showing appellant had "a complete lack of understanding and appreciation for the court process or for what needs to happen," particularly noting appellant's inability to avoid discussing emotional topics and "somewhat lying" to the children about the status of the case.

Appellant's counsel argued the children could gain permanence through guardianship without cutting off contact with appellant, and there was no evidence of any harm to the children from the conversation at the last visit, and asked the court to consider the length of time appellant had been the children's only caregiver, and the children's actions and reactions toward appellant during visits.

The court took the matter under submission and on November 26, 2018, filed its order terminating parental rights.

DISCUSSION

"The express purpose of a section 366.26 hearing is 'to provide stable, permanent homes' for dependent children." *(In re Breanna S.* (2017) 8 Cal.App.5th 636, 645 *(Breanna S.*); *In re Fernando M.* (2006) 138 Cal.App.4th 529, 534; § 366.26, subd. (b).) " 'Once reunification services are ordered terminated, the focus shifts to the needs of the child for permanency and stability.' " (*In re Celine R.* (2003) 31 Cal.4th 45, 52 (*Celine R.*), quoting *In re Marilyn H.* (1993) 5 Cal.4th 295, 306.) Section 366.26, subdivision (c)(1), directs that "[w]henever the court finds 'that it is likely the child will be adopted, the court shall terminate parental rights and order the child placed for adoption.' (§ 366.26, subd. (c)(1).)" (*Celine R.*, at p. 53.) "The Legislature has thus determined that, where possible, adoption is the first choice," because " 'it gives the child the best chance at [a full] emotional commitment from a responsible caretaker.' (*In re Jasmine D.* (2000) 78 Cal.App.4th 1339, 1348.) 'Guardianship, while a more stable placement than foster care, is not irrevocable and thus falls short of the secure and permanent future the Legislature had in mind for the dependent child.' (*In re Lorenzo C.* (1997) 54 Cal.App.4th 1330, 1344.)" (*Celine R.*, at p. 53.)

Once a child has been found adoptable, the burden shifts to the parent to demonstrate that termination of parental rights would be detrimental to the child under one of the exceptions enumerated in section 366.26, subdivision (c)(1)(B). (*In re Breanna S., supra,* 8 Cal.App.5th at p. 646; *In re Fernando M., supra,* 138 Cal.App.4th at p. 534.) Appellant relies upon the exception that applies when "[t]he parents have

maintained regular visitation and contact with the child and the child would benefit from continuing the relationship." (§ 366.26, subd. (c)(1)(B)(i).)

Although there is a lack of consensus regarding the standard of review for a juvenile court's rejection of a claim that an exception to adoption applies,[12] we are persuaded that it is appropriate to apply the hybrid standard that has been developed in recognition of the two component determinations in the trial court's decision. (*In re J.C.* (2014) 226 Cal.App.4th 503, 530–531; *In re Bailey J.* (2010) 189 Cal.App.4th 1308, 1314–1315 (*Bailey J.*) " 'Since the proponent of the exception bears the burden of producing evidence of the existence of a beneficial parental or sibling relationship, which is a factual issue, the substantial evidence standard of review is the appropriate one to apply to this component of the juvenile court's determination.' ([*Bailey J.*,] at p. 1314.) The second determination in the exception analysis is whether the existence of that relationship or other specified statutory circumstance constitutes 'a "*compelling reason* for determining that termination would be detrimental" ' to the child. (*Id.* at p. 1315.) This ' " 'quintessentially' discretionary decision, which calls for the juvenile court to determine the *importance* of the relationship in terms of the detrimental impact that its severance can be expected to have on the child and to weigh that against the benefit to the child of adoption," is appropriately reviewed under the deferential abuse of discretion standard.' (*In re K.P.*[, *supra*,] 203 Cal.App.4th [at pp.] 621–622 . . . .)" (*In re J.C.* at pp. 530–531.)

Appellant argues that she satisfied the first prong of the exception by consistently visiting with the boys throughout the dependency case, with visits that were meaningful to both her and the children. Indeed, the record shows that boys enjoyed visits with

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[12] Some courts review for substantial evidence (see, e.g., *In re G.B.* (2014) 227 Cal.App.4th 1147, 1166; *In re Christopher L.* (2006) 143 Cal.App.4th 1326, 1333), some for abuse of discretion (see, e.g., *In re Aaliyah R.* (2006) 136 Cal.App.4th 437, 449; *In re Jasmine D.*, *supra*, 78 Cal.App.4th at p. 1351), and others apply a hybrid standard that incorporates both standards. (See, e.g., *Breanna S.*, *supra*, 8 Cal.App.5th at p. 647; *In re K.P.* (2012) 203 Cal.App.4th 614, 621–622.)

appellant and that she was affectionate with them and, much of the time, properly attended to them. But appellant overstates the consistency of her visitation. In June 2018, the Department reported that she had attended five of the nine visits offered; in October 2018, it was reported that she had attended 20 of the last 30 visits offered. When asked about visitation at the section 366.26 hearing, appellant testified that she only missed "a few" visits after her grandchild was detained, that detention occurred in mid-August 2018. Additionally, after the second removal, appellant chose to end a number of visits early.

In any event, appellant has not shown that the juvenile court abused its discretion in determining that she did not satisfy the second prong of the benefit exception. " 'The "benefit" prong of the exception requires the parent to prove [that] his or her relationship with the child "promotes the well-being of the child to such a degree as to outweigh the well-being the child would gain in a permanent home with new, adoptive parents." [Citations.] No matter how loving and frequent the contact, and notwithstanding the existence of an "emotional bond" with the child, "the parents must show that they occupy 'a parental role' in the child's life." [Citations.]" (*In re G.B., supra,* 227 Cal.App.4th at p. 1165.) " 'The exception must be examined on a case-by-case basis, taking into account the many variables which affect a parent/child bond. The age of the child, the portion of the child's life spent in the parent's custody, the "positive" or "negative" effect of interaction between parent and child, and the child's particular needs are some of the variables which logically affect a parent/child bond.' (*In re Autumn H.* (1994) 27 Cal.App.4th 567, 575–576.)" (*Id.* at p. 1166.) "A showing the child derives some benefit from the relationship is not a sufficient ground to depart from the statutory preference for adoption." (*Breanna S., supra,* 8 Cal.App.5th at p. 646.) "Moreover, '[b]ecause a section 366.26 hearing occurs only after the court has repeatedly found the parent unable to meet the child's needs, it is only in an extraordinary case that preservation of the parent's rights will prevail over the Legislature's preference for adoptive placement.' (*In re Jasmine D., supra,* 78 Cal.App.4th at p. 1350.)" (*Id.* at pp. 1165–1166.)

Appellant argues that her relationship with the children outweighed the benefits of permanency through adoption in that she was the boys' primary caretaker for the first years of their lives (six years for J.C. and four years for Joshua); she visited regularly after they were removed, with consistently positive interactions, and maintained a strong relationship with them despite her struggles with substance abuse; the boys consistently enjoyed their visits with her, and J.C. particularly appeared to struggle when contact with appellant decreased. But the social worker observed that while the boys enjoyed their time with appellant, they did not ask to see or call her and the care provider reported they did not appear negatively impacted if appellant missed a visit. As appellant acknowledges, the boys' foster mother reported that they did not seem "overly affected one way or another" after visits with appellant and since October 2018, seemed to mention her less often between visits. During the weeks the boys were returned to appellant's care in early 2018, staff at their school noticed a "dramatic negative change" in the boys' behavior, and J.C. reported that appellant left him alone in the motel room, which made him scared, that he was scared when appellant fought with her boyfriend on the phone, that he did not feel safe at home with appellant, and that they had things like cookies to eat but not "real food," and appellant told him to make his own dinner. It is evident that appellant was not acting in a parental role toward the boys.

Appellant points out that "children have strong emotional ties to even the 'worst' of parents" (*Hansen v. Department of Social Services* (1987) 193 Cal.App.3d 283, 292), and argues that she was not in the category of "worst." But this is not the question. No one, including the Department, questions appellant's love for her children, or that they have an emotional bond with her. The record supports her assertion that the boys enjoy spending time with her. But it is clear that the boys have suffered a great deal of upheaval in their lives due to appellant's struggles with substance abuse and other issues. Appellant's inability to overcome the issues that led to this dependency case has left the boys without the sense of safety and stability that are inherent in a healthy parental relationship.

"The existence of interaction between natural parent and child will always confer some incidental benefit to the child. Nevertheless, the exception in section 366.26, subdivision (c)(1)(A), requires that the parent-child relationship promote the well-being of the child to such a degree that it outweighs the well-being the child would gain in a permanent home with new, adoptive parents. (*Autumn H.*[, *supra*,] 27 Cal.App.4th [at p.] 575.) A juvenile court must therefore: 'balance[ ] the strength and quality of the natural parent/child relationship in a tenuous placement against the security and the sense of belonging a new family would confer. If severing the natural parent/child relationship would deprive the child of a substantial, positive emotional attachment such that the child would be greatly harmed, the preference for adoption is overcome and the natural parent's rights are not terminated.' (*Id.* at p. 575.)" (*In re Lorenzo C., supra*, 54 Cal.App.4th at p. 1342.) But "[a] child who is determined to be a dependent of the juvenile court should not be deprived of an adoptive parent when the natural parent has maintained a relationship that may benefit the child to some degree but does not meet the child's need for a parent." (*In re Aaliyah R., supra,* 136 Cal.App.4th at pp. 449–450; *In re Jasmine D., supra,* 78 Cal.App.4th at p. 1350.)

Appellant has not demonstrated a "compelling reason for determining that termination would be detrimental" to the boys. (§ 366.26, subd. (c)(1)(B)(i).) The juvenile court did not abuse its discretion in ordering adoption as the boys' permanent plan.

DISPOSITION

The judgment is affirmed.

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Kline, P.J.

We concur:

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Richman, J.

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Miller, J.

In re J.C. et al. (A155944)